

The massive flow of people and goods across our borders lies at the heart of America's prosperity. At the same time, the sheer volume of this commercial and passenger traffic serves as the perfect conduit for terrorists, their weapons and their finances. The relative ease which the September 11th hijackers entered the United States, reveals just how easy it is for our enemies to exploit this flow of people and trade.¹ The great challenge of our time, therefore, is to provide meaningful security on our Southern Border while maintaining, and even enhancing, the travel and trade that helps to generate America's prosperity.



¹ For a detailed accounting of how easy it was for the hijackers to exploit our border and immigration system; see, National Commission on Terrorist Attacks Upon the United States, *Final Report of the National Commission on Terrorist Attacks Upon the United States*, (Washington, D.C.: 2004). (Hereinafter, *The 9/11 Commission Report*).

In the decades leading up to September 11, 2001, protecting U.S. land borders was not viewed as a national security issue. It was either a drug or crime or immigration problem, but not one rising to the level of national security. Accordingly, during this time, many critical problems which had been previously identified by border communities, industry groups, the Government Accountability Office (GAO), academics as well as congressional committees were largely ignored.² Issues such as deteriorating infrastructure, inadequate facilities, insufficient staffing, stove-piped organizations, poor intelligence and dysfunctional immigration laws were repeatedly identified but never adequately addressed.

Since 9/11, this has changed. Significant attention has once again been focused upon our borders in general, and specifically the nation's 7,000 mile-long land borders. The specter of terrorists crossing our land borders to attack our homeland is now a justifiable concern especially in light of a growing number of instances of terrorists or suspected terrorists being caught crossing our land borders. For example:

- 1997 - Abu Mezer was apprehended three times crossing the Washington-British Columbia border. He was later discovered attempting to build a bomb in New York City.
- 1999 – Lucia Gaorfalo arrested attempting to smuggle suspected terrorists into the United States from Quebec.
- 1999 – Ahmed Ressam, the “millennium bomber” was caught at Port Angeles, Washington, by Diana Dean, an alert Customs inspector, while trying to bring in bombs to blow up the Los Angeles Airport.
- 2004 – Goolam Mahomed Ahmed, a Pakistani, was arrested on July 19 at the McAllen Texas airport with a doctored South African passport, after wading across the Rio Grande just days before.
- 2004 – Kamran Ahktar, aka Kamran Shaikh, a Pakistani, was arrested on July 20 in Charlotte, North Carolina for immigration violations after being observed videotaping downtown financial institutions. He had previously crossed the border illegally from Mexico.
- 2004 – A border-wide alert was issued on August 18 for Adnan G. El Shukrijumah, a suspected al Qaeda cell leader who the FBI suspects is attempting to illegally cross the Southern Border from Mexico to conduct terrorist operations.³

This report demonstrates that, even three years after the 9/11 attacks, our Southern Border is still porous and ripe for exploitation by terrorists seeking to enter the United States. Our national security depends on making this border more secure to prevent terrorists from entering the United States.

² Known since its creation in 1921 as the General Accounting Office, this congressional oversight office recently changed its name on July 7, 2004, midway through the investigation. All of the reports cited in this report were published prior to the name change, but for ease of use the office will be referred to by the new name or simply, the GAO.

³ Michael Marizco, “Arizona, Sonora on alert for al-Qaida suspect,” *Arizona Daily Star*, August 18, 2004.

It is critically important, however, to enhance border security without damaging our economy. Nowhere is the tension between security and cross-border commerce so pronounced as it is on the Southern Border with Mexico. Economic activity there has grown rapidly, especially since implementation of the North American Free Trade Agreement (NAFTA). Total trade has grown from just over \$100 billion in 1994, the first year of NAFTA, to over \$236 billion in 2003.⁴ Of that amount, surface trade (imports/exports for all surface modes) has increased more than 127% from 1994 to 2001.⁵ In 2003, the Department of Transportation reported over 4.2 million trucks and 2.6 million loaded truck containers crossed into the United States from Mexico.⁶ Since 1994, trade with Mexico has grown to such a degree that Mexico is now the United States' second largest trading partner, surpassing Japan.

Cross-border trade has been a significant contributor to economic growth along both sides of the border. It is projected that the population of many border cities in both the United States and Mexico will double in 30 years due to increased economic activity. Two of the ten fastest-growing metropolitan areas in the United States are Laredo and McAllen, Texas, are both located on the border.⁷

Combined with this growth in commerce has been the tremendous increase in legal cross-border travel – especially of pedestrian and personal vehicles. Collectively, land ports-of-entry in Texas and California led all other states in travelers inspected, with seven of the ten top land ports-of-entry located on the 1,933 mile Southern Border.⁸ Approximately 250 million people legally crossed the U.S.-Mexico border in 2003.⁹ Most of this cross-border travel with Mexico involves frequent border-crossers who travel on a regular basis to shop, work or visit relatives and friends on either side of the border. Such frequent travel has been a boon to the economies on both sides of the border as explained by various chambers of commerce. This short-term travel is especially sensitive to delays at the border crossings.¹⁰

The challenge, then, is to achieve two policy objectives – to encourage the vibrant trade in goods and services across our borders while building a strong capacity to stop those individuals who wish to do our country harm. As Rep. Jim Turner, Ranking Member of the Select Committee on Homeland Security, explained in a recent speech before the U.S.-Mexico Chamber of Commerce:

⁴ Laredo Development Foundation briefing materials provided to the staff, February 18, 2004.

⁵ U.S. Department of Homeland Security, *Data Management Improvement Act Task Force – Second Annual Report to Congress*, (Washington, D.C., December, 2003), p. 15-16.

⁶ U. S. Department of Transportation, Bureau of Transportation Statistics, “Border Crossing: US-Mexico Border Crossing Data,” available from http://www.bts.gov/programs/international/border_crossing_entry_data/us_mexico/index.html.

⁷ Staff briefing by Laredo Chamber of Commerce.

⁸ Jennifer Lake, James Monke, Lisa Seghetti, Stephen Vina, Ruth Wasem, Coordinator. *Border Security: Inspections Practices, Policies and Issues*, Updated August 2, 2004. Washington, Congressional Research Service, 2004, (RL 32399) p. 31.

⁹ *Op. cit.*, US-Mexico Border Crossing Data.

¹⁰ Staff briefings with community leaders in El Paso and Laredo, Texas.

Security is indeed our nation's first priority. However, security can only be enhanced if it is integrated into a modernized border designed to facilitate trade and travel. If we are to succeed in securing our homeland, then the economic impact on border communities and the larger U.S. economy must be part of the equation. Homeland security will not work if local communities are not consulted on border security policies, if their cooperation is not sought, or if implementation of border security programs is not coordinated.¹¹

This report focuses on ten major areas that show that the U.S. government is not taking the steps necessary to provide both security and prosperity on the Southern Border. In doing so, it makes recommendations on the policies we must pursue to create a border that meets the challenges of our new world.

1. The Southern Border Is Porous

Hundreds of thousands of illegal immigrants and tons of unlawful contraband successfully cross our Southern Border every year. There is practically nothing to stop determined terrorists and their sympathizers from taking advantage of these loopholes in our border security system to cross into our country, bringing with them their weapons and finances.

2. The Southern Border's Infrastructure Is Inadequate At Ports-Of-Entry

Infrastructure modernization and expansion are necessary to provide security while promoting commerce. Resources to expand and improve the infrastructure and support the growth in workload and staffing of most ports-of-entry on the Southern Border have not kept pace with the increased threats of the post-9/11 world. Nor has the infrastructure at most ports grown to keep pace with the last decade's tremendous increases in commerce and cross-border travel.

3. More Staffing Is Needed On The Southern Border

Just as sufficient infrastructure is necessary to achieve both security and the efficient flow of commerce at the border, it is also necessary for the government to have the appropriate numbers of border agency personnel in order to achieve its trade and security goals. Government officials and community leaders expressed widespread dissatisfaction with the staffing levels for all agencies responsible for border security. Three years since 9/11, no comprehensive staffing plan has yet been developed for the Southern Border

4. Modern Technology Must Be Deployed On The Entire Southern Border

New and improved technology is required to help the border agencies address the post-9/11 threat and keep pace with growing border trade. Border security and processing functions are still being performed in a labor intensive manner, with little use of new technologies.

¹¹ Remarks of Congressman Jim Turner before the U.S.-Mexico Chamber of Commerce, Homeland Security and Immigration Panel, Jefferson Building, Library of Congress, March 17, 2004.

Minimal planning and funding has gone into capturing the efficiencies of recent technological advancements to modernize the border. Much of the technology on the Southern Border is more than a quarter century old. Although some new technologies have been introduced at a few border locations, these limited deployments cannot meet the challenges at hand.

5. Border Officials Are Not Getting The Intelligence They Need To Perform Their Counter-Terrorism Mission

The intelligence databases available to front line border officials are antiquated and not fully integrated or interoperable. Millions of travelers are still not checked against any database. Unintended intelligence “stovepipes” have formed within border agencies with a proliferation of uncoordinated and duplicative intelligence centers. Complicating this situation is that the vast majority of border investigators lack security clearances to pursue their top priority – preventing terrorists from entering the United States.

6. The US-VISIT Initiative Has Serious Implications For The Southern Border

Border communities, along with many DHS officials at the ports-of-entry, expressed concern about the implementation of the US-VISIT initiative. DHS needs to better coordinate its implementation with border communities.

7. Federally Owned And Tribal Lands On The Southern Border Are Not Secure

The Administration needs to better coordinate and fund border security activities on federally-owned or tribal lands that comprise roughly 50% of the Southern Border. Federal parks, wildlife sanctuaries, forests and Indian reservations lie adjacent to the Southern Border. Many of these areas have experienced the largest increases in narcotics and human smuggling. The protection of these border areas has been inadequate. The numerous federal agencies with responsibilities for these areas have not fully coordinated their law enforcement activities.

8. DHS’ Detention And Removal Operation Is Failing

Arrests and detentions of illegal immigrants have increased, but poor planning has resulted in inadequate resources to support the Detention and Removal Operation (DRO). Consequently, tens of thousands of illegal immigrants have been released into U.S. communities. Of those released 80-90% fail to appear for deportation proceedings.

9. The DHS “One Face at the Border” Initiative Faces Serious Implementation Challenges

The “One Face at the Border” initiative was intended to streamline inspections on the border, yet the implementation of this initiative has caused led to a reduction in expertise which may, unless addressed, have long term security consequences at ports-of-entry.

10. The Administration Has Failed To Develop A Comprehensive Long-Term Border Strategy

Instead, our government relies upon a series of uncoordinated tactical initiatives that merely react to emergencies and cause additional problems along the border. Up to now, strategies have either been tactical or ad hoc in nature – resulting in merely pushing a local problem of either illegal immigration or narcotics smuggling somewhere else along the border.

To address these major security gaps along the Southern Border, we recommend that the Administration and Congress to take the following, immediate steps:

Develop a Comprehensive Border Strategy. There is a need for a national strategy to secure our borders that takes into account economic, immigration and security issues. The merger of all border agencies within DHS offers an opportunity to develop such a strategy in conjunction with other federal agencies and the border communities.

Create \$1 Billion Infrastructure Investment Fund. While the comprehensive strategy is being developed, a \$1 billion infrastructure investment fund should be established as down payment for the infrastructure needs at our ports-of-entry. Roads around ports-of-entry must also be improved and preclearance programs such as SENTRI and FAST must be expanded.

Double Law Enforcement Personnel Along the Southern Border, Increase Other Support Functions. The number of border inspectors needs to be doubled to provide the needed level of security and support technological improvements. Border patrols should increase by 1,000 per year. Commensurate personnel increases are also needed for functions consular, prosecutorial, judicial, and detention agencies.

Monitor the Entire Border 24/7; Screen All Cargo Trucks for WMD. The Department of Homeland Security should deploy technology to ensure that every mile of the border is monitored 24 hours a day, 7 days a week. Technology to screen cargo trucks for nuclear and radiological material should be deployed at all Southern Border ports-of entry immediately.

Connect Border Security Intelligence Databases. Consistent with the recommendations of the 9/11 Commission, the Administration must build an integrated, interoperable entry-exit system that links all relevant border security systems so an inspector can enter one query and search all the information the federal government has on the individual trying to enter the country.

Prepare Communities and Ports for US-VISIT. The Administration needs to create a forum for border communities to participate in plans to implement the US-VISIT program; infrastructure improvements must be made to support this system to ensure that it does not impose a burden on commerce and travel.

Coordinate Border Enforcement on Federal Lands. A Southern Border Coordinator should be appointed to manage the multiple federal agencies that have responsibilities along the border and at ports-of-entry, with special emphasis on federal land management agencies and tribal nations.

Expand Detention and Removal Operations. To ensure that all persons who are caught crossing the border illegally can be either detained, or returned to their home country, Detention and Removal Operations should be immediately expanded to support daily occupancy of 22,500 beds (up from 19,444).

Require Spanish and Other Specialized Training for Inspectors. All border inspectors should be required to pass a Spanish language requirement. Specialized training must be reinstituted under the “One Face at the Border” program.

